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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/098,279

Filing Date: June 16, 1998

Appellant(s): THOMAS ET AL.

Albert S. Penilla, Esq.
Reg. No. 39,487
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/03/2006 appealing from the Office action mailed 08/31/2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 5,731,832	Ng	03-1998
US 5,283,644	Maeno	02-1994
US 6,573,927	Parulski et al.	03-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7-9, 11-18, 26-31, 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Maeno (US 5,283,644).

Re claims 1, 8, 13-15, 26, and 39, Ng teaches a surveillance method for operating a general purpose computer to provide remote surveillance of an internal area of a building, comprising:

receiving a surveillance image from a local camera directed at the internal area of the building (*Note a camera (14 of fig. 1) captures an image (16 of fig. 1) and then provides to a processor (12 of fig. 1) for processing; see also col. 3, lines 34-44*);

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a general purpose computer (fig. 2) for comparing the surveillance image with a reference image to produce a comparison result (*Note the difference logic circuit (68 of fig. 3) of the image processor (60 of fig. 3) compares a current image with the reference image to provide the comparison result to generate an alarm condition by Detector and Alarm Generator (74 of fig. 3); see also col. 6, lines 18-28*),

detecting presence of an activity condition based on the comparison result (*Note a detector (74 of fig. 3) is detecting motion that occurs (present) in the current image; see also col. 6, lines 29-47*),

notifying an interested user of the activity condition when the presence of the activity condition is detected (*Note the detector (74 of fig. 3) outputs signals (notification) to activate alarms, contact a security service, or perform other functions in response to detection of motion in the image, wherein the detection of motion automatically contact a local police department, a security service, or particular employees or managers of the building ; see also col. 4, lines 46-49, and col. 6, lines 40-47*),

wherein said notifying includes at least transmitting the surveillance image to a remote computer (*police department includes a computer fig. 2*) over a global computer network (col. 4, lines 40-42) automatically when the activity condition is detected (*Note the modem (28 of fig. 1) can transmit the image captured from the camera (14 of fig. 1) at the time the motion is detected to a remote location, see col. 4, lines 52- 57*), and

wherein said transmitting includes forming an electronic mail message (*Note other message would obviously be considered as an electronic mail message being transmitted over the network (30 of fig. 1) using a telephone line and/or modem; see also col. 4, lines 49-51; and*

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the modem would be obviously used to access Internet or Network) having a predetermined mailing address (Note col. 4, lines 43- 49, shows the police department, security service, particular individuals, or organizations that are considered as the predetermined mailing address), and the predetermined mailing address being associated with the interested user (security person, police officer, employee, or manager), and

electronically mailing (transmission over modem is obviously considered electrically mailing) the surveillance image to the remote computer over the network using the electronic mail message (Note the modem (28 of fig. 1) can transmit the image to the remote location over the communication medium (30 of fig. 1) when the motion detection occurs).

It is noted that Ng teaches the system using modem (28 of fig. 1) and network (30 of fig. 1) for transmitting audible alarm, visual alarm, a warning tone or other messages (*text, data, image*) in response to the detection of motion to the police department or security service. The use of modem and network in the Ng's system would be able to access to other networks such as Internet, web, web Brower, Internet provider, or WAN.

Although Ng does not particularly teach the local computer automatically create an electronic mail message for predetermined user associated with the remote computer, the electronic message having the image included or attached thereto, and automatically sends the electronic mail message to the predetermined user via predetermined mailing address; and a motion detector as claimed.

Maeno teaches the local computer automatically create an electronic mail message for predetermined user associated with the remote computer the electronic message having the image included or attached thereto, and automatically sends the electronic mail message to the

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predetermined user via predetermined mailing address (*Note figures 1 and 4 create the electronic mail messages including the image (fig. 4) and transmit the created electronic mail message with the image attached thereto to the predetermined electronic mail address, police station, security company*), see also col. 2, lines 49-54; col. 4, lines 30-42; col. 9, lines 55-col. 11, line 52).

Moreover, Maeno teaches a motion detector (101 of fig. 1) for producing a motion indication signal, and wherein said local general purpose computer receives the motion indication signal and determines whether an activity condition is present based on the motion indication signal; wherein said motion detector and said camera is directed at the location from approximately the same direction; wherein the camera attached thereto with motion detection (101 and 102 of fig. 1; col. 5, lines 10-37).

Therefore, taking the combined teachings of Ng and Maeno as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Maeno into the system of Ng to transmit the image from the local computer to the remote computer using the email attached thereto with the predetermined email address.

Doing so would allow the system to transmit an image with text messages together from the one place to another locations for viewing in the real time so that the user can save time and reduce cost.

Re claims 2, 30, 43, and 47, Ng teaches wherein said detecting of the presence of the activity condition comprises: comparing the comparison result with a predetermined threshold (102 of fig. 4B); detecting the presence of the activity condition when the comparison result exceeds the predetermined threshold (104 of fig. 4B); and detecting the lack of presence of the

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activity condition when the comparison result does not exceed the predetermined threshold (106, 108 of fig. 4B).

Re claims 7, 27, and 40, Ng further teaches wherein said notifying further comprises the step of providing a distinctive audio or visual indication on the remote computer to notify the interested user of the receipt of the activity condition after the electronically mailed surveillance image arrives at the remote computer (col. 4, lines 30-38).

Re claim 11, Ng further teaches wherein said remote computer obtains the image that has been transmitted and displays the image on the display device (col. 4, lines 50- 57).

Re claim 12, Ng further teaches wherein said local general-purpose computer determines whether an activity condition is present based on the image (fig. 4B).

Re claims 4, 5, 9, 31, and 44, Ng further teaches wherein said transmitting operates to transmit the surveillance image over the Internet to the remote computer, and the police department (*col. 4*) that would have one of a personal computer and a network server (*30 of fig. 1*).

Re claims 16-18, Ng further teaches wherein the image and the alarm status information are displayed on a display device of said remote computer (col. 4), and wherein said security system detects an alarm condition, the activity condition is made to be present (*70 and 74 of fig. 3*); wherein said system further comprises a security system having at least one sensor (*74 of fig. 3, e.g. where the detector (74) detects and generates an alarm condition and then outputs to the police department for viewing*).

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Re claims 28-29, 41-42, Ng further teaches recording device (24 of fig. 1) for storing a sequence images from the camera (14 of fig. 1) upon detecting the activity condition so as to obtain a visual record of the alarm condition (col. 10, line 32-col. 11, line 16).

Re claim 48, Ng further teaches the message includes a video clip, video signal, containing images from the camera (14 of fig. 1) that were obtained from the camera during or proximate in time to when the activity condition was detected (col. 3, lines 24-49), thereby enabling viewing of the activity condition that caused the signaling of the alarm condition (col. 4, lines 39-57).

3. Claims 1-2, 4-5, 7-9, 11-12, 16-18, 26-31, and 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Parulski et al. (US 6,573,927 B2).

Re claims 1, 8, 26, and 39, Ng teaches a surveillance method for operating a general purpose computer to provide remote surveillance of an internal area of a building, comprising:

receiving a surveillance image from a local camera directed at the internal area of the building (*Note a camera (14 of fig. 1) captures an image (16 of fig. 1) and then provides to a processor (12 of fig. 1) for processing; see also col. 3, lines 34-44*);

a general purpose computer (fig. 2) for comparing the surveillance image with a reference image to produce a comparison result (*Note the difference logic circuit (68 of fig. 1) of the image processor (60 of fig. 3) compares a current image with the reference image to provide the comparison result to generate an alarm condition by Detector and Alarm Generator (74 of fig. 3); see also col. 6, lines 18-28*),

detecting presence of an activity condition based on the comparison result (*Note a detector (74 of fig. 3) is detecting motion that occurs (present) in the current image; see also col. 6, lines 29-47*),

notifying an interested user of the activity condition when the presence of the activity condition is detected (*Note the detector (74 of fig. 3) outputs signals (notification) to activate alarms, contact a security service, or perform other functions in response to detection of motion in the image, wherein the detection of motion automatically contact a local police department, a security service, or particular employees or managers of the building ; see also col. 4, lines 46-49, and col. 6, lines 40-47*),

wherein said notifying includes at least transmitting the surveillance image to a remote computer (*police department includes a computer fig. 2*) over a global computer network (col. 4, lines 40-42) automatically when the activity condition is detected (*Note the modem (28 of fig. 1) can transmit the image captured from the camera (14 of fig. 1) at the time the motion is detected to a remote location, see col. 4, lines 52- 57*), and

wherein said transmitting includes forming an electronic mail message (*Note **other** message would obviously an electronic mail message being transmitted over the network (30 of fig. 1) using a telephone line and/or modem; see also col4. lines 49-51; and the modem would obviously access Internet or Network*) having a predetermined mailing address (*Note col. 4, lines 43- 49, shows the police department, security service, particular individuals, or organizations that are considered as the predetermined mailing address*), and the predetermined mailing address being associated with the interested user (*security person, police officer, employee, or manager*), and

electronically mailing (*transmission over modem is obviously considered electrically mailing*) the surveillance image to the remote computer over the network using the electronic mail message (*Note the modem (28 of fig. 1) can transmit the image to the remote location over the communication medium (30 of fig. 1) when the motion detection occurs*).

It is noted that Ng teaches the system using modem (28 of fig. 1) and network (30 of fig. 1) for transmitting audible alarm, visual alarm, a warning tone or other messages (*text, data, image*) in response to the detection of motion to the police department or security service. The use of modem and network in the Ng's system would be able to access to other networks such as Internet, web, web Brower, Internet provider, or WAN.

Although Ng does not particularly teach the local computer automatically create an electronic mail message for predetermined user associated with the remote computer, the electronic message having the image included or attached thereto, and automatically sends the electronic mail message to the predetermined user via predetermined mailing address as claimed.

Parulski teaches the local computer automatically creates an electronic mail message for predetermined user associated with the remote computer (*Note figures 3 and 4 show that a user creates the email order (fig. 4) before the camera is taking an image, so when the camera takes picture of the user, the micro computer (29 of fig. 1A) automatically creates an electronic mail message and transmits the created electronic message to the appropriate user's e-mail accounts or others*), the electronic message having the image included or attached thereto, and automatically sends the electronic mail message to the predetermined user via predetermined mailing address (*col. 4, lines 29-39*).

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Therefore, taking the combined teachings of Ng and Parulski as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Parulski into the system of Ng to transmit the image from the local computer to the remote computer using the email attached thereto with the predetermined email address.

Doing so would allow the system to transmit an image with text messages together from the one place to another locations for viewing in the real time so that the user can save time and reduce cost.

Re claims 2, 30, 43, and 47, Ng teaches wherein said detecting of the presence of the activity condition comprises: comparing the comparison result with a predetermined threshold (102 of fig. 4B); detecting the presence of the activity condition when the comparison result exceeds the predetermined threshold (104 of fig. 4B); and detecting the lack of presence of the activity condition when the comparison result does not exceed the predetermined threshold (106, 108 of fig. 4B).

Re claims 7, 27, and 40, Ng further teaches wherein said notifying further comprises the step of providing a distinctive audio or visual indication on the remote computer to notify the interested user of the receipt of the activity condition after the electronically mailed surveillance image arrives at the remote computer (col. 4, lines 30-38).

Re claim 11, Ng further teaches wherein said remote computer obtains the image that has been transmitted and displays the image on the display device (col. 4, lines 50- 57).

Re claim 12, Ng further teaches wherein said local general-purpose computer determines whether an activity condition is present based on the image (fig. 4B).

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Re claims 4, 5, 9, 31, and 44, Ng further teaches wherein said transmitting operates to transmit the surveillance image over the Internet to the remote computer, and the police department (*col. 4*) that would have one of a personal computer and a network server (*30 of fig. 1*).

Re claims 16-18, Ng further teaches wherein the image and the alarm status information are displayed on a display device of said remote computer (*col. 4*), and wherein said security system detects an alarm condition, the activity condition is made to be present (*70 and 74 of fig. 3*); wherein said system further comprises a security system having at least one sensor (*74 of fig. 3, e.g. where the detector (74) detects and generates an alarm condition and then outputs to the police department for viewing*).

Re claims 28-29, 41-42, Ng further teaches recording device (24 of fig. 1) for storing a sequence images from the camera (14 of fig. 1) upon detecting the activity condition so as to obtain a visual record of the alarm condition (*col. 10, line 32-col. 11, line 16*).

Re claim 48, Ng further teaches the message includes a video clip, video signal, containing images from the camera (14 of fig. 1) that were obtained from the camera during or proximate in time to when the activity condition was detected (*col. 3, lines 24-49*), thereby enabling viewing of the activity condition that caused the signaling of the alarm condition (*col. 4, lines 39-57*).

4. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Parulski et al. (US 6,573,927 B2) as applied to claim 8, and further in view of Glatt (US 5,926,209).

Re claims 13-15, the combination of Ng and Parulski does not particularly teach a motion detector a motion detector for producing a motion indication signal, and wherein said local general purpose computer receives the motion indication signal and determines whether an activity condition is present based on the motion indication signal; wherein said motion detector and said camera is directed at the location from approximately the same direction; wherein the camera attached thereto with motion detection as claimed.

Glatt teaches a motion detector (260 of fig. 4) for producing a motion indication signal, and wherein said local general purpose computer (240 of fig. 4) receives the motion indication signal and determines whether an activity condition is present based on the motion indication signal; wherein said motion detector (260 of fig. 4) and said camera (240 of fig. 4) is directed at the location from approximately the same direction; wherein the camera (240 of fig. 4) attached thereto with motion detector (260 of fig. 4).

Taking the combined teachings of Ng, Parulski, and Glatt as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the motion detector (260 of fig. 4) of Glatt into the combined system of Ng and Parulski to trigger the camera to take the image when the motion signal is detected.

Doing so would allow the user to quickly receive an alarm notification and enable review video image at particularly location where the motion occurs.

5. Claims 49-50, 52-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Acosta (US 6,166,729).

Re claims 49-50, 52-53, Ng teaches a surveillance method for operating a general purpose computer to provide remote surveillance of an internal area of a building, comprising:

receiving a surveillance image from a local camera directed at the internal area of the building (*Note a camera (14 of fig. 1) captures an image (16 of fig. 1) and then provides to a processor (12 of fig. 1) for processing; see also col. 3, lines 34-44*);

a general purpose computer (fig. 2) for comparing the surveillance image with a reference image to produce a comparison result (*Note the difference logic circuit (68 of fig. 1) of the image processor (60 of fig. 3) compares a current image with the reference image to provide the comparison result to generate an alarm condition by Detector and Alarm Generator (74 of fig. 3); see also col. 6, lines 18-28*),

detecting presence of an activity condition based on the comparison result (*Note a detector (74 of fig. 3) is detecting motion that occurs (present) in the current image; see also col. 6, lines 29-47*),

notifying an interested user of the activity condition when the presence of the activity condition is detected (*Note the detector (74 of fig. 3) outputs signals (notification) to activate alarms, contact a security service, or perform other functions in response to detection of motion in the image, wherein the detection of motion automatically contact a local police department, a security service, or particular employees or managers of the building; see also col. 4, lines 46-49, and col. 6, lines 40-47*),

wherein said notifying includes at least transmitting the surveillance image to a remote computer (*police department includes a computer fig. 2*) over a global computer network (col. 4, lines 40-42) automatically when the activity condition is detected (*Note the modem (28 of fig. 1)*

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can transmit the image captured from the camera (14 of fig. 1) at the time the motion is detected to a remote location, see col. 4, lines 52- 57), and

wherein said transmitting includes forming an electronic mail message (Note *other message would obviously an electronic mail message being transmitted over the network (30 of fig. 1) using a telephone line and/or modem; see also col4. lines 49-51; and the modem would obviously access Internet or Network)* having a predetermined mailing address (*Note col. 4, lines 43- 49, shows the police department, security service, particular individuals, or organizations that are considered as the predetermined mailing address*), to inform the security person, police officer, employee, or manager the activity condition (motion detection occurred); wherein said detecting of the presence of the activity condition comprises: comparing the comparison result with a predetermined threshold (102 of fig. 4B); detecting the presence of the activity condition when the comparison result exceeds the predetermined threshold (104 of fig. 4B); and detecting the lack of presence of the activity condition when the comparison result does not exceed the predetermined threshold (106, 108 of fig. 4B).

It is noted that Ng teaches the system using modem (28 of fig. 1) and network (30 of fig. 1) for transmitting audible alarm, visual alarm, a warning tone or other messages (*text, data, image*) in response to the detection of motion to the police department or security service. The use of modem and network in the Ng's system would be able to access to other networks such as Internet, web, web Brower, Internet provider, or WAN.

However, Ng does not particularly teach the network comprises the Internet and wherein the remote computer is an Internet Server that stores from plurality of different cameras, and

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wherein an interested user is able to view at least certain of the images by accessing the Internet server via a web browser application on a user computer as claimed.

Acosta teaches the network (10 of fig. 1) comprises the Internet (20 of fig. 1) and wherein the remote computer (16, 18, 20 of fig. 1) is an Internet Server (16 of fig. 1) that stores images from plurality of different cameras (12 of fig. 1), and wherein an interested user (22 of fig. 1) is able to view at least certain of the images by accessing the Internet server via a web browser application on a user computer (col. 8, lines 1-34).

Takings the combined teachings of Ng and Acosta as a whole, it would have been obvious to incorporate the arranging of elements (12, 14, 16, 18, 20 and 22 of fig. 1) of Acosta into the system of Ng for transmitting the image captured from the camera to the designated address using Internet. Doing so would allow the user to log in or access the Internet based on permissions level to view the real time and stored image.

6. Claims 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Acosta (US 6,166,729) as applied to claim 58, and further in view of Glatt (US 5,926,209).

Re claims 62-66, the combination of Ng and Acosta does not particularly teach a motion detector a motion detector for producing a motion indication signal, and wherein said local general purpose computer receives the motion indication signal and determines whether an activity condition is present based on the motion indication signal; wherein said motion detector and said camera is directed at the location from approximately the same direction; wherein the camera attached thereto with motion detection as claimed.

Glatt teaches a motion detector (260 of fig. 4) for producing a motion indication signal, and wherein said local general purpose computer (240 of fig. 4) receives the motion indication signal and determines whether an activity condition is present based on the motion indication signal; wherein said motion detector (260 of fig. 4) and said camera (240 of fig. 4) is directed at the location from approximately the same direction; wherein the camera (240 of fig. 4) attached thereto with motion detector (260 of fig. 4).

Taking the combined teachings of Ng, Acosta, and Glatt as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the motion detector (260 of fig. 4) of Glatt into the combined system of Ng and Acosta to trigger the camera to take the image when the motion signal is detected.

Doing so would allow the user to quickly receive an alarm notification and enable review video image at particularly location where the motion occurs.

(10) Response to Argument

A. Claims 1-2, 4-5, 7-9, 11-18, 26-31, 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Maeno (US 5,283,644).

The appellant argued that the Examiner arrives at the conclusion that claims are unpatentable through hindsight analysis and there is nothing in any cited references or any assertions as to the knowledge of those skill in the art that would lead those skilled in the art to combine the references in the manner asserted by the Examiner, pages 7-8 of the appeal brief.

The examiner respectfully disagrees with appellant. It is submitted that Ng teaches the system (fig. 1) comprises the camera (14 of fig. 1) for capturing the image, the image processor

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(60 of fig. 3) for detecting the difference images to generate alarm signal (74 of fig. 1) and send the alarm signal to the remote location using modem (28 of fig. 1) with the image captured by the camera (14 of fig. 1; see col. 4, lines 39-58).

Ng's system uses the modem (28 of fig. 1) to automatically transmit audible alarm, visual alarm, a warning tone or other messages (*text, data, image*) in response to the detection of motion to the police department or security service through the communication medium (30 of fig. 1), wherein the communication medium includes a network, radio-frequency link, telephone line, or similar communication medium (col. 4, lines 40-42). The use of modem and the communication medium (e.g. network, radio-frequency link, telephone line, or similar communication medium) in the Ng's system would suggest one skilled in the art to be able to access to any suitable communication medium such as Internet, Web, Web Brower, Internet Provider, or WAN. In other words the specific alarm notification is not a critical feature to the invention.

Maeno teaches the concentrator (200 of fig. 1) for receiving the image from the terminal apparatus (100 of fig. 1) and automatically creating an electronic mail message (fig. 4) for predetermined user (col. 9, lines 55-67) associated with the report receiver (police station), the created electronic message has the image included or attached thereto (fig. 4); the concentrator (200 of fig. 1) automatically sends the created electronic mail message to the predetermined user with a predetermined mailing address (Note figures 1 and 4 create the electronic mail messages including the image (fig. 4) and transmit the created electronic mail message with the image attached thereto to the predetermined electronic mail address, police station, security company; see also col. 2, lines 49-54; col. 4, lines 30-42; col. 9, lines 55-col. 11, line 52). Moreover,

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Maeno suggests a motion detector (101 of fig. 1) for producing a motion indication signal, and wherein said local general purpose computer receives the motion indication signal and determines whether an activity condition is present based on the motion indication signal; wherein said motion detector and said camera is directed at the location from approximately the same direction; wherein the camera attached thereto with motion detection (101 and 102 of fig. 1; col. 5, lines 10–37).

Since Ng teaches the modem (28 of fig. 1) for transmitting the image and alarm to the remote location through the network (col. 4, lines 39-58) based on the detection of motion in image (16 of fig. 1) and Maeno suggests the system (fig. 1) automatically creates the report including image and information (fig. 4) and sends the report to the predetermined address based on the motion detected by the terminal apparatus (100 of fig. 1) through the communication medium (col.9, lines 55-col. 10, lines 33); Ng and Maeno are in the same endeavor so that one skilled in the art would combine the suggested teachings of Ng and Maeno above to make obvious the claimed invention.

In further response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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The appellant further argued that the examiner did not provide sufficient evidence of record that would suggest the desirability of these combination, and the disparate teachings of Ng and Maeno, would not motivate one skilled in the art to combine these references in the manner that the examiner propose, page 9 of the remarks.

The examiner respectfully disagrees with that appellant. It is submitted that Ng teaches the modem (28 of fig. 1) for automatically transmitting the remote location (col. 4, lines 39-51) and Ng suggests that the modem (28 of fig. 1) can transmit the image captured at the time the motion was detected to a remote location (col. 4, lines 52-53). Maeno teaches the system (fig. 1) for automatically creates the report (message) include the image (fig. 1) and sends the created report the predetermined address (police station). Since both Ng and Maeno suggest the automatic transmission and Maeno suggests the predetermined address that is used for transmission to transmit directly to the predetermined user (police station), these suggested teachings provide sufficient evidence that motivates one skilled in the art to combine the Ng and Maeno references. In view of the discussion above, the claimed features are unpatentable over the combination of Ng and Maeno.

B. Claims 1, 2, 4, 5, 7-9 and 11-18 26-31, 3948 are patentable over Ng (U.S. Patent 5,731,832) in view of Parulski et al. (US 6,573,927 B2).

The appellant further argued that the functionality of Parulski would not work for Ng and the functionality would be contrary to the operations that are presently clamed, pages 10 and 11 of the remarks.

The examiner respectfully disagrees with that appellant. It is submitted that Ng teaches the system (fig.1) comprises the camera (14 of fig. 1) for capturing the image, the image processor (60 of fig. 3) for detecting the difference images to generate alarm signal (74 of fig. 1) and send the alarm signal to the remote location using modem (28 of fig. 1) with the image captured by the camera (14 of fig. 1; see col. 4, lines 39-58). Ng's system uses the modem (28 of fig. 1) to automatically transmit audible alarm, visual alarm, a warning tone or other messages (*text, data, image*) in response to the detection of motion to the police department or security service through the communication medium (30 of fig. 1), wherein the communication medium includes a network, radio-frequency link, telephone line, or similar communication medium (col. 4, lines 40-42). The use of modem and the communication medium (e.g. network, radio-frequency link, telephone line, or similar communication medium) in the Ng's system would suggest one skilled in the art to be able to access to any suitable communication medium such as Internet, Web, Web Brower, Internet Provider, or WAN. In other words the specific alarm notification is not a critical feature to the invention.

Parulski teaches the local computer automatically creates an electronic mail message for predetermined user associated with the remote computer (*Note figures 3 and 4 show that a user creates the email order (fig. 4) before the camera is taking an image, so when the camera takes picture of the user, the micro computer (29 of fig. 1A) automatically creates an electronic mail message and transmits the created electronic message to the appropriate user's e-mail accounts or others*), the electronic message having the image included or attached thereto, and automatically sends the electronic mail message to the predetermined user via predetermined mailing address (*col. 4, lines 29-39*).

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Since Ng teaches the automatic transmission of the alarm and image to the remote location in response to the detection of motion in image (col. 4, lines 39-57) and Parulski suggests the computer would transmit the image to the predetermined email address (fig. 3 and 4), therefore one skilled in the art would use the suggested teachings of Parulski (fig. 3 and 4, col. 4, lines 29-39) to modify the Ng's system for the purpose of transmitting the alarm and image to the predetermined email address. In view of the discussion above, the claimed features are unpatentable over the combination of Ng and Parulski.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Tung Vo

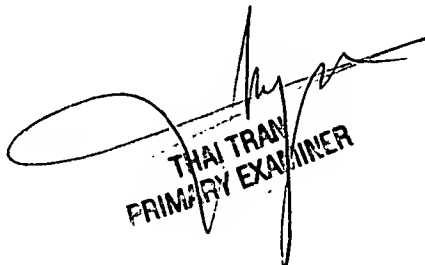

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